

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MATCH GROUP, INC., a corporation,

Defendant.

Case No. 3:19-cv-02281-K

**Plaintiff's Notice of Recently  
Decided Authority**

Plaintiff the Federal Trade Commission ("FTC") respectfully gives notice to the Court and parties as follows:

1. Relying upon a recent Third Circuit decision, *FTC v. Shire ViroPharma, Inc.*, 917 F.3d 147 (3d Cir. 2019), Defendant Match Group, Inc. ("Match") has argued in its motion to dismiss, (Dkt. 20), that the FTC failed to allege facts in its complaint sufficient to show that Match was violating or about to violate Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), and that therefore the FTC failed to state a claim upon which relief can be granted.

2. On January 14, 2020, the United States District Court for the Western District of Texas issued an opinion stating, *inter alia*, that *Shire* is unpersuasive in light of binding Fifth Circuit authority, *FTC v. Southwest Sunsites, Inc.*, 665 F.2d 711 (5th Cir. 1982). *See also* FTC's Opposition to Match's Motion to Dismiss (Dkt. 27) at 5-7.

3. A copy of the opinion, *FTC v. Educare Centre Services, Inc., et al.*, No. 3:19-cv-00196-KC, slip op. at 6-9 (W.D. Tex. Jan. 14, 2020), is attached as **Exhibit A**.

Respectfully submitted,

DATED: January 15, 2020

/s/ Zachary A. Keller  
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**CERTIFICATE OF SERVICE**

On January 15, 2020, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on counsel by a manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Zachary A. Keller  
Zachary A. Keller